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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,314	07/17/2003	Chih-Ching Hsien	PUSA030653	3452
7590 07/08/2004				
Chih-Ching Hsien 58, MA YUAN WEST ST. TAICHUNG, TAIWAN		EXAMINER THOMAS, DAVID B		
		ART UNIT 3723		PAPER NUMBER

DATE MAILED: 07/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/623,314

Applicant(s)

HSIEN, CHIH-CHING

Examiner

David B. Thomas

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 5, 6-9, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Hsieh (5,865,074).

Hsieh ('074) discloses a wrench comprising a handle portion having an end formed with a driving head, wherein: the driving head of the handle portion has a peripheral wall provided with a plurality of protruding resting portions and a plurality of concave portions connected between the resting portions; and the peripheral wall of the driving head of the handle portion is provided with three protruding portions each mounted in an end of one of the concave portions; wherein each of the resting portions is protruded inward toward a center of the driving head; wherein each of the three protruding portions has a semi-circular shape; wherein the three portions are equally spaced from each other; wherein a gap is formed between each of the three protruding portions and the respective concave portion; wherein the driving head is mounted on a nut, and the resting portions of the driving head are rested on six faces of the nut; wherein each of the three protruding portions are rested on one of six angled corners of the nut; wherein the driving head is a closed driving head.

3. Claims 1, 2, 4, 6, 8, 9, 10, and 13 are rejected under 35 U.S.C. 102(b) as being

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anticipated by Tanner (5,983,758).

Tanner ('758) discloses a wrench comprising a handle portion having an end formed with a driving head, wherein: the driving head of the handle portion has a peripheral wall provided with a plurality of protruding resting portions and a plurality of concave portions connected between the resting portions; and the peripheral wall of the driving head of the handle portion is provided with three protruding portions each mounted in an end of one of the concave portions; wherein each of the resting portions is protruded inward toward a center of the driving head; wherein each of the three protruding portions has a triangular shape; wherein the three portions are equally spaced from each other; wherein the driving head is mounted on a nut, and the resting portions of the driving head are rested on six faces of the nut; wherein each of the three protruding portions are rested on one of six angled corners of the nut; wherein each of the three protruding portions is aligned with one of six faces of the nut, so that the nut can pass through the driving head; wherein the driving head is a closed driving head.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 2, 4-9, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over White (5,307,713).

White ('713) discloses the claimed invention except for having two protruding

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portions rather than three. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide three, or even more, protruding portions, as evidenced by the prior art of record, since it has been held that the mere duplication of the essential parts of a device involves only routine skill in the art. *In re Harza*, 274 F.2d 669, 124 USPQ 378 (CCPA 1960).

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hsieh ('074), Tanner ('758), or White ('713), as each have been respectively applied to claim 1 above, in view of Vogel (6,082,227).

Hsieh ('074), Tanner ('758), or White ('713), as each have been respectively applied to claim 1 above, discloses the claimed invention except for providing colored protruding portions, each having a different color. The provision of a color coding system in the art is well known as a means for identifying the tools based upon a specific size of the tool, as evidenced by the prior art of record. In particular, Vogel ('227) teaches a color coding system wherein a plurality of different colors are applied to one tool, the coloring coordinated with a system for coding the colors. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the tool of Hsieh ('074), Tanner ('758), or White ('713), as each have been respectively applied to claim 1 above, by providing a color coded system for the protruding portions of the tool, such as a system as suggested by Vogel ('227), wherein an operator of the tool may readily identify a particular tool for a particular application.

### **Conclusion**

7. The prior art made of record and not relied upon is considered pertinent to

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applicant's disclosure. Chang et al., Hsieh, Hu, and Morrissey et al. each disclose a tool having a protruding portion in the driving head of the tool for retaining nuts or keeping the wrench head from slipping over the nut. Arnold, Carr, Cirone, Gamba et al., Henke, McCollom, Ray et al., and Zumeta each provide color identification for hand tools.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David B. Thomas whose telephone number is (703) 308-4250. The examiner can normally be reached on 7-4 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David B Thomas can be reached on (703) 308-4250. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
dbt

  
David B. Thomas  
Patent Examiner  
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